

**BIRMINGHAM REPORTING SERVICE**

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IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

TROY E. TILLERSON, )  
 )  
PLAINTIFF, )  
 )  
 ) CIVIL  
vs. ) ACTION  
 ) NO.  
 ) 3:05CV985-B  
THE MEGA LIFE AND HEALTH )  
INSURANCE CORPORATION, et )  
al., )  
 )  
DEFENDANTS.

DEPOSITION OF LINTON CHECKA

**ORIGINAL**

The deposition of LINTON CHECKA was taken before Anna Tolleson, CSR, as Commissioner, on July 17, 2007, by the plaintiff, commencing at 1:00 p.m., in the office of Well, Gotshal & Manges, 200 Crescent Court, Suite 300, Dallas, Texas 75201 pursuant to the stipulations set forth herein.

**Exhibit F**

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1 question do you not understand and I'll do  
2 any best to rephrase it or clarify it.

3 Here's my question: Did you serve in any  
4 capacity in underwriting the insurance that  
5 is made the basis of this case?

6 **A** The type of insurance that was this  
7 application? Is that what you're asking?

8 **Q** Yes, ma'am.

9 **A** I'm sure that I reviewed some of  
10 them. I mean, I didn't underwrite this  
11 case. If that's what we were selling at  
12 that time, then I was underwriting it.

13 **Q** Is this individual insurance?

14 MR. LAMPKIN: Object to the  
15 form.

16 **A** It is individually underwritten.  
17 It's not group.

18 **Q** What do you mean by that?

19 **A** I mean we underwrite each  
20 individual based on what the information  
21 they have on their application, and then  
22 what our underwriting guides advise us is  
23 the best practice.

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1 our central records department and that's  
2 the order forms.

3 **Q** What does "best prints" mean?

4 **A** That was the best print that they  
5 could get from, I guess whatever it came  
6 from.

7 **Q** As I understand it, the hard copies  
8 in the last several years have been scanned  
9 and saved electronically?

10 **A** That's correct.

11 **Q** Okay. Is there anything on  
12 Mr. Tillerson's application that would, in  
13 your experience as an underwriter for the  
14 last 20 some-odd years, cause you to think  
15 he should be rated up?

16 **A** No. There was nothing that I saw.  
17 He was a standard issue.

18 **Q** Okay. The transaction sheet where  
19 it says "approved," does that mean standard  
20 when it says "STD?"

21 **A** Yes.

22 **Q** I'm looking at some -- these  
23 correspond with some Bates numbered

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1           **Q**     Have you described to me, ma'am,  
2     all the underwriting that would have taken  
3     place for Mr. Tillerson's certificate of  
4     insurance?

5           **A**     Yes.

6           **Q**     At any time?

7           **A**     We would only underwrite him when  
8     he initially submitted his application or  
9     if he asked for increased benefits.

10          **Q**     Okay. But if he, I guess,  
11     decreased his benefits or in other words  
12     increased copays or premiums, there's no  
13     underwriting, according to you, in that --

14          **A**     Customer care would not have sent  
15     it to us.

16          **Q**     Ma'am?

17          **A**     We only review the information if  
18     he is increasing his benefits. Customer  
19     care would not have sent us anything such  
20     as that.

21          **Q**     And as far as documents that are  
22     generated in the underwriting process that  
23     would have taken place back in 1996, we

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1 EXAMINATION BY MR. LAMPKIN

2 **Q** Mrs. Checka, before you came here  
3 today for your deposition, you asked  
4 somebody to pull the underwriting records  
5 related to Mr. Tillerson; is that correct?

6 **A** Yes.

7 **Q** And you brought those here with you  
8 today?

9 **A** Yes.

10 **Q** And you reviewed those before  
11 today?

12 **A** I did.

13 **Q** Let me ask you this: Did you see  
14 that there was anything that came back to  
15 underwriting after the policy that was  
16 initially issued and underwritten?

17 **A** I did not.

18 **Q** If there had been some subsequent  
19 underwriting, would there have been  
20 documents contained in that material?

21 **A** If Mr. Tillerson had asked for  
22 increased benefits, there would be  
23 something out there.

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1           **Q**        Okay. Something like the -- what  
2        do we call it -- the transaction sheet?

3           **A**        I don't know that there would be a  
4        transaction sheet but there would be some  
5        sort of a paper that the underwriter would  
6        have reviewed what he was asking for and  
7        whether or not he was approved to have  
8        that.

9           **Q**        Okay. So based on the information  
10       that you've seen, after the initial -- the  
11       policy was initially issued, there was  
12       never any instance where his coverage was  
13       reunderwritten; is that correct?

14           **A**        No.

15           **Q**        So that is correct?

16           **A**        That's a correct statement. No, he  
17       was not reunderwritten.

18           **Q**        You were asked a question about  
19       MIB. In particular, you were asked about a  
20       document that's Bates labelled TI000063 and  
21       I believe you said that was a report from  
22       MIB? Does that report show anything?

23           **A**        No. It says not found. There was